IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1779 OF 1994

Laxman D. Gawade & Ors. .. Petitioners

V/s.

The Registrar,

Chief Metropolitan

Magistrates Office & Ors. .. Respondents.

Ms. Anita Castelino for the Petitioner.

Mr. P.M. Mokashi, AGP for the Respondents.

CORAM: S. RADHAKRISHNAN,

S.A. BOBDE, JJ.

DATE : 4TH NOVEMBER, 2004.

P.C.:-

1. Heard the Learned Counsel for the Petitioner and the learned AGP for the Respondents. The Petitioners are all Class-IV employees- Hamals

working in the offices of Metropolitan Magistrates who have been appointed as Hamals in the offices of various Metropolitan Magistrates in the city of Mumbai in the year 1990 as Class IV employees. It appears only during the first year there were certain technical breaks given. From 1991 onwards there was no technical break and all of them have been working regularly. All the Petitioners are duly registered with the State Employment Exchange. Fathers of Petitioners had earlier worked in the Magistrate Courts loyally. By a G.R. dated 14-4-1981 and Corrigendum dated 10-12-1981, sons and daughters of present and past employees should be employed as Class-IV employees as per the above directive of the State of Mahrashtra. The Petitioners have been temporarily working as Hamals with the concerned Metropolitan Magistrates all these years without any break. We have perused our judgment dated 7th September, 2004 in Writ Petition No. 1680 of 1994. The facts involved in the said petition and the present petition are almost identical. For the reasons stated in the said order dated 7th September, 2004 in Writ Petition no.1680 of 1994, we direct that the Petitioners be treated as permanent employees and the Petitioners are entitled to all benefits which the permanent employees are entitled to. Rule is made absolute

in the above terms.

2. C.C. expedited.

SD/-

(S. RADHAKRISHNAN, J)

SD/-

(S.A. BOBDE, J)